

## MESSAGE

FROM THE

# PRESIDENT OF THE UNITED STATES,

RELATIVE

*To the devise of the late Gen. George W. Cullum for the erection of a memorial hall upon the grounds of the Military Academy at West Point.*

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MAY 26, 1892.—Read, referred to the Committee on Military Affairs, and ordered to be printed.

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*To the Senate and House of Representatives:*

I transmit herewith a communication of the Secretary of War, dated May 24, from which and from the accompanying papers it appears that the late Gen. George W. Cullum, of the U. S. Army, has by will devised a quarter of a million dollars to the Government of the United States for the erection of a memorial hall upon the grounds of the Military Academy at West Point, to be used as a "receptacle of statues, busts, mural tablets, and portraits of distinguished deceased officers and graduates of the Military Academy, of paintings of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession."

This ample and patriotic gift is hampered by no conditions and involves no appropriation beyond the sum so generously donated.

The executors, in order to facilitate action, have prepared, and the same is herewith submitted, the outline of a bill to carry into effect the provisions of Gen. Cullum's will.

There can be no occasion to urge upon Congress the immediate enactment of a suitable law to carry into effect the patriotic purpose expressed in the will.

I suggest that in the bill itself, or by a separate joint resolution, suitable expression be given of the public appreciation of this crowning service to the military profession and to his country, rendered by Gen. Cullum.

BENJ. HARRISON.

EXECUTIVE MANSION, May 25, 1892.

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WAR DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, May 24, 1892.

SIR: I transmit herewith a communication from the executors of the late Gen. George W. Cullum, formally tendering to the United States the sum of \$250,000, bequeathed by Gen. Cullum in his last will for

the purpose of erecting a memorial hall on the grounds of the Military Academy at West Point, N. Y.

The need of such a hall at West Point has long been fully appreciated by those most closely interested in the administration of the Military Academy, including the several boards of visitors appointed to attend the annual examinations of that institution; but the sum required for such a structure has seemed too great to be appropriated by Congress for that purpose. But now Gen. Cullum, who, during his lifetime, has taken perhaps deeper personal interest in the affairs of that institution than any other of its graduates, has made this munificent bequest for the purpose named. It is also a matter of great interest to all that the fortune from which this bequest was made came to Gen. Cullum from his deceased wife, who was the widow of the late Maj. Gen. Henry W. Halleck, and a granddaughter of Gen. Alexander Hamilton. These facts attach to the donation very great historic interest.

The structure when completed is to become absolutely the property of the United States. The only obligation the Government will assume will be simply for the proper care and preservation of the building. Provision is also made in Gen. Cullum's will for the supply from time to time, under proper care and supervision, of statuary, paintings, mural tablets, etc., without cost to the United States.

Not doubting that Congress will gladly accept so munificent and patriotic a contribution to the needs of the Military Academy, I desire to say that it is important that action be taken without unnecessary delay, since the conditions of the will impose upon certain executors the duty of superintending its execution, and it is desirable that the wishes of the testator be accomplished during their lifetime.

In order to lessen the labor of the committees of Congress involved in this matter the executors have carefully prepared a draft of a bill which, in their judgment, will accomplish the object in view, and this has been examined in the War Department and no objection is found to any of its features. It is, therefore, submitted herewith simply with a view to assisting the committees of the two Houses in the labor of preparation of such legislation as Congress may be pleased to adopt.

Very respectfully,

S. B. ELKINS,  
*Secretary of War.*

The PRESIDENT,  
*Washington, D. C.*

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ESTATE OF GEN. GEORGE M. CULLUM,  
261 FIFTH AVENUE,  
*New York, May 23, 1892.*

SIR: The will of Bvt. Maj. Gen. George W. Cullum, U. S. Army, who died in New York City February 28, 1892, has been admitted to probate, without contest, and we, the undersigned, have been duly qualified as executors.

We have the honor to submit herewith the full copy of said will, and to ask your attention to the thirty-third article, which is as follows:

Thirty-third. I give and bequeath to the Government of the United States the sum of two hundred and fifty thousand dollars upon the following terms and conditions, viz: That during the life of Major-General James B. Fry and Peter S. Michie, hereinafter named, and, at farthest, within five years after my death, it will authorize

to be built, and will build and maintain, upon the public grounds at West Point, N. Y., a fireproof stone memorial hall, under the direction of the superintendent of the Military Academy, three other members of the Academic Board thereof, and my military executor, Major-General James B. Fry, or, he not surviving at the time, another member of the Academic Board, all of whom I desire should be graduates of the Military Academy. This memorial hall I wish to be a receptacle of statues, busts, mural tablets, and portraits of distinguished deceased officers and graduates of the Military Academy, of paintings of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession; and, to prevent the introduction of unworthy subjects into this hall, I desire that the selection of each shall be made by not less than two-thirds of the members of the entire Academic Board, the vote being taken by ayes and nays, and to be so recorded. It is also my desire that this hall should be adapted for use on any ceremonial occasion taking place at West Point, N. Y., and for the assemblage and dinners of the Association of Graduates of the United States Military Academy, and, if practicable, I wish that lodging accommodations should be provided in some part of it for the members of that association while attending its annual reunions.

We respectfully suggest that a law be enacted accepting the bequest made to the Government, and designating the officer to whom we may deliver the money, and establishing rules for applying it to the purpose for which it was bequeathed.

As the gift is contingent upon its acceptance by the Government during the lives of two persons, named in the clause above cited, we venture to ask that the Government formally accept the gift upon the terms and conditions specified in the will as soon as possible.

We will make arrangements to hand over the money to the Government as soon as practicable after the expiration of the year, which, by the laws of New York, must elapse before we can deliver the funds. Subject to State tax, if any.

Yours most respectfully,

JAMES B. FRY,  
WM. G. HAMILTON,  
G. L. GILLESPIE,  
GEO. W. GRANNISS,  
*Executors.*

The SECRETARY OF WAR,  
*Washington, D. C.*

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I, GEORGE W. CULLUM, a brevet major-general of the United States Army, and colonel of the Corps of Engineers on the retired list, now residing in the city of New York, being of sound mind and memory, but knowing the uncertainty of this life, do hereby revoke all my former wills, and make and publish this my last will and testament, as follows, that is to say:

First. I order and direct that all my just debts and funeral expenses be paid, and that a suitable monument to my memory be erected, as soon as practicable, by my executors at my grave in Greenwood Cemetery, Brooklyn, N. Y., where I desire to be buried at the side of my beloved wife, in lots numbers 20293 and 20294, on Aspen avenue of said cemetery.

Second. I give and bequeath to my sister Malvina Hassall, wife of Rev. Robert Hassall, residing in Keokuk, Iowa, fifty thousand dollars; and to each of her sons, William, George, and Frederick, five thousand dollars.

Third. I give and bequeath to Harriett F. Sawyer, of San Rafael, California; Henry B. Cullum, of Galveston, Texas; Catherine Williams, of St. Helena, California; Abby Patriarche, of San Francisco, California; Mary Meacham, of Napa County (St. Helena post-office), California, and Alfred Cullum, of St. Helena, California, all children of my deceased brother, Horace Cullum, each five thousand dollars.

Fourth. I give and bequeath to George S. Cullum, of Meadville, Pa.; Arthur S. Cullum, of Chicago, Ill.; Louise Armstrong, of Cleveland, Ohio, and Harriet Adelaide Loomis, of Meadville, Pa., all children of my deceased brother, Arthur Cullum, each five thousand dollars.

Fifth. I give and bequeath to Mary S. Cullum, widow of my deceased brother, Clinton Cullum, ten thousand dollars, and five thousand dollars to each of her children, Martha S. Cullum, Charles S. Cullum, Ellen E. Cullum, and Edgar P. Cullum, all of Meadville, Pa.

Sixth. I give and bequeath to my favorite niece Emma C. Cortazzo, of Meadville, Pa., fifty thousand dollars, and to her daughter Katrine, five thousand dollars.

Seventh. I give, devise, and bequeath to Emma C. Cortazzo, of Meadville, Pa., my Newport, R. I., cottage, with its grounds, furniture, books, pictures, and all appurtenances therein contained.

Eighth. I give and bequeath to my nephew, Arthur Clarke Huidekoper, and to his wife Frances, each five thousand dollars.

Ninth. I give, devise, and bequeath to Arthur Clarke Huidekoper, my farm, near Littleton, N. C., with all unpaid rents, interest, and principal of mortgages, and any other dues belonging to me at the time of death pertaining to said farm, now in charge of Randolph Hurry, esq., of No. 58 William street, New York City. In the event of his death before me, I give, devise, and bequeath the said farm and dues thereto pertaining to Frances Huidekoper, his wife.

Tenth. I give and bequeath to Charlotte A. Hamilton, Adelaide Hamilton, and Alice Hamilton, sisters of my deceased wife, each ten thousand dollars.

Eleventh. I give and bequeath to Charles A. Hamilton of Milwaukee, Wis., Major-General Schuyler Hamilton, of New York City, and William G. Hamilton, of New York City, brothers of my deceased wife, each five thousand dollars.

Twelfth. I give and bequeath to Ellen Cogswell and Sarah H. Bussey, sisters of the late Major-General Henry Wager Halleck, both residing in Westernville, N. Y., and to Peter W. Halleck, his brother, residing in Jackson, Mich., each five thousand dollars.

Thirteenth. I give, devise, and bequeath to Ellen Cogswell, my farm in Westernville, Oneida County, N. Y., which she has occupied rent free for many years. In the event of her death before me, I give, devise, and bequeath the said farm to Sarah H. Bussey.

Fourteenth. I give and bequeath to each of my hereinafter-named executors Major-General James B. Fry, William G. Hamilton, Colonel George L. Gillespie, and Colonel George W. Granniss, five thousand dollars, provided they qualify and serve as my executors, and not otherwise.

Fifteenth. I give and bequeath to Mrs. Edward R. Platt, widow of the late Colonel Edward R. Platt, U. S. Army, one thousand dollars, as a testimonial of my deceased wife's love for her.

Sixteenth. I give and bequeath to Percival Padgett, a tutor in St. Paul's School, Concord, N. H., who was a protege of my deceased wife, five thousand dollars.

Seventeenth. I give and bequeath to Mrs. Annie R. M. Dahlgren, five thousand dollars as a testimonial of the affection of my deceased wife, "for her and her father," the late Rev. Dr. William Morgan.

Eighteenth. I give and bequeath to my much-esteemed friend Eloise H. Thatcher, of New London, Conn., five thousand dollars.

Nineteenth. I give and bequeath to Mrs. Robert N. Scott, widow of the late Colonel Robert N. Scott, U. S. Army, the income during her life of six thousand dollars, the principal at her death to be divided equally between her three daughters Mattie, Abby, and Nina Scott, or such of them as may then be living.

Twentieth. I give and bequeath to Mrs. Mary W. Wootton, daughter of Major-General Horatio G. Wright, U. S. Army, residing in New York City, ten thousand dollars, as a testimonial of my affection for her and her parents.

Twenty-first. I give and bequeath to Ruth M. Price, the faithful nurse in the last sickness of my deceased wife, one thousand dollars.

Twenty-second. I give and bequeath to my excellent servants, Margaret Murphy and Thomas Tuckson, each one thousand dollars; to Joseph Jones, Mary Denny, and Bridget Durick, each five hundred dollars; and to Frank Tuckson, two hundred dollars, provided that these bequests are to be bestowed upon only those who remain in my service till my death.

Twenty-third. I give and bequeath to the Woman's Hospital, New York City, of which my deceased wife was vice-president, five thousand dollars, for an Elizabeth H. Cullum Bed; and one thousand dollars as her subscription for the annex to said hospital.

Twenty-fourth. I give and bequeath to the New York Cancer Hospital, of which my deceased wife was a projector and founder, five thousand dollars, for

a bed to be designated as Sister Mary's Bed; and I also give and bequeath five thousand dollars for an organ for the St. Elizabeth Chapel of the said hospital.

Twenty-fifth. I give and bequeath to St. Thomas Church in New York City, for the maintenance of the Helping Hand Society and Diet Kitchen in St. Thomas House, established by my charitable wife, five thousand dollars, to be designated as the "Elizabeth H. Cullum Fund."

Twenty-sixth. I give and bequeath to the Society in New York City, for the Improvement of the Condition of the Poor, of which I was formerly a manager, five thousand dollars, to be known as the "Cullum Fund."

Twenty-seventh. I give and bequeath to the Old Ladies' Home in San Francisco, California, five thousand dollars.

Twenty-eighth. I give and bequeath to the Library, Art and Historical Society of Meadville, Pa., five thousand dollars.

Twenty-ninth. I give and bequeath to the Redwood Library of Newport, R. I., five thousand dollars, to be designated as the "Cullum Fund," and the interest thereon to be applied to the purchase of new publications, other than works of fiction.

Thirtieth. I give and bequeath to the Metropolitan Museum of Art in the Central Park of New York City, twenty thousand dollars, with which to purchase casts of famous statuary and works of architecture, to be known as the "Cullum Collection."

Thirty-first. I give and bequeath to my niece, Emma C. Cortazzo, such books as she may desire from my library; then to General James B. Fry, U. S. Army, such as he may select for his own use; and the remaining volumes of said library (except those pertaining to military education and the history of the Military Academy) to the Engineer School of Application at Willets Point, N. Y.

Thirty-second. It is my will and I hereby signify and declare that lots Nos. 20293 and 20294 on Aspen avenue, in Greenwood Cemetery, Long Island, N. Y., wherein are buried Major-General Halleck, my wife, their son and his colored servant, and of which, by the will of Elizabeth H. Cullum, I am the sole owner, shall be forever inalienable, and that after my body is therein deposited by the side of my deceased wife, none other shall be placed in the said lots. And I hereby give and bequeath to the said Greenwood Cemetery the sum of five hundred dollars, to have and to hold the same to the said The Greenwood Cemetery and their successors, upon trust, to keep the same invested, or to allow interest thereon at the rate of four per centum per annum, and to apply the income thus arising therefrom, under the direction of the board of trustees, to the repair, preservation, and renewal of any tomb, monument or gravestone, railing or other erection, and for planting and cultivating shrubs, plants, or flowers, and for mowing the grass and keeping in thorough order the said lots Nos. 20293 and 20294 and the exterior in the vicinity of the same in the cemetery grounds of the said corporation.

Thirty-third. I give and bequeath to the Government of the United States the sum of two hundred and fifty thousand dollars, upon the following terms and conditions, viz: That during the life of Major-General James B. Fry and Peter S. Michie, hereinafter named, and at farthest within five years after my death, it will authorize to be built and will build and maintain upon the public grounds at West Point, N. Y., a fireproof stone memorial hall, under the direction of the superintendent of the Military Academy, three other members of the academic board thereof, and my military executor, Major-General James B. Fry, or, he not surviving at the time, another member of the academic board, all of whom I desire should be graduates of the Military Academy. This memorial hall I wish to be a receptacle of statues, busts, mural tablets, and portraits of distinguished deceased officers and graduates of the Military Academy, of paintings of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession; and, to prevent the introduction of unworthy subjects into this hall, I desire that the selection of each shall be made by not less than two-thirds of the members of the entire academic board, the vote being taken by ayes and nays, and to be so recorded. It is also my desire that this hall should be adapted for use on any ceremonial occasion taking place at West Point, N. Y., and for the assemblage and dinners of the Association of Graduates of the United States Military Academy, and, if practicable, I wish that lodging accommodations should be provided in some part of it for the members of that association while attending its annual reunions.

Thirty-fourth. In the event of the Government of the United States not complying with the conditions of the above gift and accepting it during the lives above named, and at farthest within five years after my death, the two hundred and fifty thousand dollars provided in article thirty-third of this will for the



building of a memorial hall, I give and bequeath to Major-General James B. Fry, Peter S. Michie, and Edgar W. Bass, the said sum in trust to erect the said memorial hall in the vicinity of West Point, N. Y., for the same purposes and under the same conditions as specified in the above article; and should it become necessary to purchase land for the site thereof, I give and bequeath for this purpose the additional sum of twenty thousand dollars or as much thereof as may become necessary.

Thirty-fifth. I give and bequeath to the superintendent of the United States Military Academy and the professors of natural and experimental philosophy, of engineering, of mathematics, and of chemistry, mineralogy, and geology, of that institution, and the successors of the persons who may hold those positions, the sum of twenty thousand dollars, in trust, on the following terms and conditions, viz: That they will invest the same and keep it invested and apply the income to procuring statues, busts, mural tablets, and painted portraits of distinguished deceased officers and graduates of the United States Military Academy, and place the same in the memorial hall contemplated in article thirty-third of this will. It is my wish that any losses of this permanent fund of twenty thousand dollars should be made good by the accumulation of the income of the remainder before any further expenditures shall be made. I further desire that the selection of these memorials of distinguished deceased officers and graduates of the United States Military Academy should be made by ay-and-nay votes as contemplated in article thirty-three of this will.

Thirty-sixth. I give and bequeath to the superintendent of the United States Military Academy and the professors of natural and experimental philosophy, of engineering, of mathematics, and of chemistry, mineralogy, and geology of the said institution and their successors, the sum of twenty thousand dollars, in trust to establish a permanent fund upon the following terms and conditions, viz: That from the income thereof they shall cause to be prepared and published in the year 1900, and decennially thereafter, "General Cullum's Biographical Register of the Officers and Graduates of the United States Military Academy at West Point, N. Y.," with continuations, by which title, in view of the great labor and expense I have bestowed upon this work, I deem it but just to my memory that it shall be perpetually designated; that except for the correction of manifest errors, the present text shall remain as prepared by me to include the year 1890, and that hereafter, in all successive editions of the Register, the same methods shall be adopted in *continuing* the biographies of all graduates inclusive of No. 3384. I further desire that this permanent fund of twenty thousand dollars shall be kept invested in trustworthy securities by the trustees above designated, and that any losses to the fund shall be made good by the accumulation of the income of the remainder before any further expenditures shall be made.

To aid in carrying out the requirements of this article, I give and bequeath to the trustees therein named, in trust, my copyright and all the electrotype plates of the third edition of the said Biographical Register of the Officers and Graduates of the United States Military Academy now in charge of Houghton, Mifflin & Co., at the Riverside Press, Cambridge, Mass., the same plates being my property.

In case my wishes and intentions as expressed in the foregoing thirty-fourth, thirty-fifth, and thirty-sixth articles can not be carried out by reason of the invalidity of the trusts, or for any other reason, I give and bequeath the moneys and properties therein expressed, together with the sum named in the thirty-third article, if the Government of the United States does not accept the bequest made by said article and comply with the conditions thereof, to the incorporated society, "The Association of the Graduates of the United States Military Academy," for the uses and purposes and upon the conditions expressed in said several articles, and in such case I relieve the legatees named or described in the thirty-fourth, thirty-fifth, and thirty-sixth articles from any legal responsibility, trusting, however, that they will by arrangement with said society secure, as far as may be legally practicable, the terms and conditions of such several bequests.

Thirty-seventh. I give and bequeath to said Association of the Graduates of the United States Military Academy the sum of ten thousand dollars to be safely invested in the name of the said association, and I desire that the income thereof shall be applied to the current and necessary expenses of the association. Should there be any losses to this fund of ten thousand dollars, I direct that they may be made good by the accumulation of the income of the remainder before any further expenditures shall be made.

I also give and bequeath to the said Association all my manuscripts, letters, notes, pamphlets, and other publications pertaining to military education and the history of the United States Military Academy and its graduates.

Thirty-eighth. I give and bequeath to my executors, for deposit in the memorial hall contemplated by this will, at or near West Point, N. Y., the sword, presented by the ladies of St. Louis, Mo., to Major-General Henry W. Halleck; and his portrait painted by Lazarus, and bust taken after death by Ball; and also my own portrait painted by Eliot Gregory.

Thirty-ninth. I give and bequeath to the American Geographical Society of the City of New York the sum of five thousand dollars to establish a permanent fund for the purposes comprehended in the general objects of its charter, that is to say; to apply the income to procuring a die with suitable devices and inscriptions, and to cause gold medals to be struck thereupon, and presented from time to time by the said society to those who distinguish themselves by geographical discoveries, or in the advancement of geographical science, particularly citizens of the United States of America, it being understood that the selection of the recipients of the medals shall be chosen with the assent of not less than two-thirds of the entire council of the society, the vote thereon to be taken by ayes and nays, which must be recorded in the proceedings of the council. I further direct that any losses of any part of this permanent fund shall be made good by the accumulation of the income of the remainder before any further expenditures for medals shall be made. I further direct that this medal shall be called "The Cullum Geographical Medal."

Fortieth. I give and bequeath to my executors hereinafter named, all my carriages, horses, harness, silver and plated ware, pictures (except the portraits of General Halleck and of myself), objects of art and virtu, engravings, photographs, furniture and household utensils, china and glassware, wearing apparel, and wines and liquors, in the confidence that they will distribute them among my friends and relatives as tokens of my love and friendship, as stated in a memorandum filed with this will, but constituting no part thereof; but I impose no trust upon said executors in respect to the same.

Forty-first. I give and bequeath the rest, residue, and remainder of my estate, including all the pecuniary legacies and all the devises hereinbefore bequeathed or devised which may have lapsed by the death before me of the legatees or devisees named, and all legacies to institutions which may lapse from want of capacity in such institutions to take them, or other legal impediment, to the American Geographical Society in New York City, for the erection of a fire-proof building for the library and other uses of the said society; Provided, however, the residuum of my estate so resulting does not exceed one hundred thousand dollars (\$100,000). Any excess of the residuum of my estate over one hundred thousand dollars I give and bequeath to my niece Emma Cullum Cortazzo.

Lastly. I make, constitute, and appoint Major-General James B. Fry, U. S. Army, William G. Hamilton, of New York City, Colonel George L. Gillespie, U. S. Army, and Colonel George W. Grannis, of San Francisco, California, the executors of this will and testament, and authorize them to act without giving any security or bonds of any kind, and to compound with any and all my debtors and to submit to arbitration any dispute that may arise in and about the settlement of my estate. And I further direct that these executors shall receive no other compensation for their services than the bequest provided in the fourteenth article of this will.

And I hereby authorize and empower my said executors, or such of them as may qualify, and the survivors or survivor of them, in his or their discretion, to sell and convey all or any real estate of which I may die seized, including any herein specifically devised, if the devises do not for any reason take effect, and proper deeds to execute therefor, but in respect to my real estate in California, I desire that it be not sold until the proceeds of it be required to carry out the provisions of this will, though I do not intend by this advice to restrict the powers of my executors, except to require that all of them who act shall concur in the sale of that property whether they qualify in California or not.

In witness whereof. I, the said George W. Cullum, have hereunto set my hand and seal the twentieth day of November, in the year of our Lord one thousand eight hundred and ninety-one.

GEO. W. CULLUM. [SEAL.]

Signed, sealed, published, and declared by the said testator as and for his last will and testament, in the presence of us, who, at his request, in his presence and in the presence of each other, have hereto subscribed our names as witnesses the day and year last above written.

STEPHEN P. NASH,

*Residing at 11 W. 19th st., New York.*

GEO. C. HURLBUT,

*11 W. 29th st., New York.*

CHARLES R. MILLER,

*East Orange, N. J.*

A BILL to accept a bequest made by General George W. Cullum, in his last will and testament, for the erection of a memorial hall at West Point, N. Y., and to carry the terms and conditions of the same into execution.

Whereas George W. Cullum, colonel of the Corps of Engineers on the retired list, brevet major-general, United States Army, a resident of the city of New York, having by his last will and testament given and bequeathed to the United States the sum of two hundred and fifty thousand dollars upon the terms and conditions that the United States shall build and maintain, in accordance with certain stipulations, upon the public grounds at West Point, New York, a fire-proof memorial hall for certain designated purposes hereinafter specified: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the said bequest be, and the same hereby is, accepted by the United States under the terms and conditions thereto annexed by the said testator in his said last will and testament; the said sum of two hundred and fifty thousand dollars to be paid into the Treasury of the United States subject to the disposition hereinafter to be made of the same. And for the faithful execution of the objects and purposes of said bequest according to the will of the donor,

*Be it further enacted as follows, to wit:*

SEC. 2. That the superintendent of the United States Military Academy, three other members of the academic board, and Major-General James B. Fry, during his lifetime, he and they, are constituted a "board" by the name of the "board of trustees of the memorial hall of the United States Military Academy," whose duty it shall be to erect the said memorial hall according to the provisions of the will of the testator, and on completion thereof to transfer the same to the United States for perpetual use as a memorial hall, to be devoted to the objects and purposes as defined in the said will. And the members of the said board of trustees, to be selected as aforesaid, shall be appointed immediately upon the passage of this act by the Secretary of War from members of the academic board of the said Academy who are graduates thereof. And in the event of any vacancy occurring in the said board of trustees, either by the death or inability to serve of Major-General James B. Fry, or by the death or vacation of office of any member thereof who was appointed by selection from the members of the said academic board, the Secretary of War shall in each case, and from time to time as often as vacancies occur, fill such vacancy by the appointment of a member of the said academic board, who shall be a graduate of the said Military Academy, in the same manner as provided for the original appointments.

SEC. 3. That when the said sum of two hundred and fifty thousand dollars shall have been paid into the Treasury of the United States, the whole sum shall be, and hereby is, appropriated for the erection of a suitable structure for the purposes of a memorial hall at West Point, New York, upon such site at West Point, New York, as the board of trustees herein created shall recommend and the Secretary of War approve.

SEC. 4. That the said board of trustees shall, as soon as practicable after the funds appropriated for building purposes in the preceding section shall have become available, determine, by a majority of the whole number of its members, upon a plan and specifications for a building to be erected corresponding to, and in accordance with, the terms and conditions of the aforesaid bequest, and submit the same to the Secretary of War for his approval, who on behalf of the United States shall then cause a contract to be let—in the same manner as other contracts to which the United States is a party—for the erection of said building under the direction of the said board of trustees.

SEC. 5. That the funds appropriated in this act shall be drawn from the Treasury as required by section 3673, Revised Statutes of the United States, in the case of moneys appropriated for the use of the War Department. And the said board of trustees shall submit to the Secretary of War estimates for his approval which shall form the basis of his requisition; the funds so drawn shall be disbursed under the direction of the Secretary of War by the disbursing officer of the United States Military Academy, upon vouchers certified to by the president and secretary of the said board of trustees for, and in behalf of, said board; and shall be accounted for by the said disbursing officer in the same manner and under the same conditions as other public funds of the United States: *Provided*, That the authority of the Secretary of War for any expenditure under the provisions of this act shall be conclusive evidence of the legality thereof.

SEC. 6. That the memorial hall to be erected under the provisions of this act shall be a receptacle of statues, busts, mural tablets, and portraits of distin-



guished and deceased officers and graduates of the Military Academy, of paintings of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession; and to prevent the introduction of unworthy subjects into this hall, the selection of each shall be made by not less than two-thirds of the members of the entire Academic Board of the United States Military Academy, the vote being taken by ayes and nays and to be so recorded.

SEC. 7. That the said board of trustees shall, within thirty days after the passage of this act, meet at West Point, New York, and organize by the election of one of their number as president and another as secretary of said board. And a majority of the whole number shall constitute a quorum for the transaction of business. And the said memorial hall shall be erected under the direction of the said board of trustees, and after being erected shall be maintained, managed, and controlled by the United States in a manner similar to other public buildings at West Point. After the construction of the building and its transfer to the Government, the functions of the said board of trustees shall cease.

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